

***AGRICULTURE AND ECOLOGY
COMMITTEE***

***Washington State House of
Representatives***

**FINAL 1998
SESSION REPORT**

**Office of Program Research
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FINAL REPORT

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**BILLS REPORTED FROM THE
AGRICULTURE & ECOLOGY COMMITTEE
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DURING THE 1998 REGULAR SESSION**

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
E2SHB 1328	Schoesler, Chandler, Sheahan	Hay Alfalfa, Seed/B&O Tax - Eliminates the business and occupation (B&O) tax rate for wholesale sales to farmers of agricultural seed conditioned for use in planting and not packaged for retail sale, or for conditioning agricultural seed for planting by others; and limits this tax change to sales and conditioning of agricultural seed and seed potatoes and not sales or conditioning of flower seeds, vegetable seeds, or seeds or propagative portions of plants used to grow ornamental flowers or used to grow any type of bush, moss, fern, shrub, or tree. (KH)	Chapter 170, Laws of 1998 (Note: The provisions of the bill eliminating the tax were contingent upon HB 2335's becoming law. HB 2335 was enacted as C 312 L 98.)
2E2SHB 1354	Pennington, Mielke, Dunn	Changing Air Pollution Control Provisions - Vehicle Emission Testing. Reduces the maximum allowable fee for an emissions test under the state's vehicle emission testing program to \$15 from \$18; exempts collector cars from testing if they meet certain requirements and, beginning January 1, 2000, exempts from testing all vehicles less than 5 years old or more than 25 years old; requires persons whose vehicles fail emissions tests to be provided information regarding temporary waivers from further testing; requires the Department of Ecology (DOE) to make available to the public, within disclosure law limitations, complaints it receives about the testing program and repairs secured for such testing; requires the DOE to establish a science advisory board to review plans for establishing or expanding the area for which vehicle emission testing is required; requires the DOE to conduct a public hearing if a rule it proposes to create or expand a testing area is in conflict with the opinion of the advisory board and to include in its rule-making process a written response regarding any inconsistency with the advisory board's opinion; requires the DOE to evaluate options that meet air quality objectives and lessen the effect of the program on motorists and to report to the Legislature by January 1, 1999. <u>Other.</u> Declares that the first stage of impaired air quality is reached when particles 10 microns and smaller reach the average daily ambient level of 60 micrograms per cubic meter, rather than 75 micrograms per cubic meter as currently; and prohibits a person designated as the alternate for a member of the board of a local air pollution control authority from serving as the permanent chair of the board. (KH)	Chapter 342, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SHB 2051	Chandler, Linville, Regala	Hazardous Waste Remediation/Tax - Provides an exemption from sales tax for labor and services and sets the (B&O) tax rate at 0.471% for environmental remedial actions until July 1, 2003; provides this exemption and reduction for actions conducted, supervised, or ordered by the Department of Ecology (DOE) under the state's Model Toxics Control Act as well as those that are, on the whole, substantially equivalent to such actions and for actions conducted under the supervision or order of the U.S. Environmental Protection Agency or that are consistent with the national contingency plan adopted under a comparable federal law and conducted at facilities included on the national priorities list or subject to a removal action under the federal act; requires certification regarding the action to be provided to the DOE and to the Department of Revenue (DOR); requires the DOR to confirm receipt of a certification; requires the owner of the site to provide a copy of the confirmation to each person who takes the remedial actions at the site and requires these persons to identify the charges for the labor and services for the action; requires the site owner to submit to the DOE a report documenting the remedial actions taken and their compliance with the state act when the actions are completed; specifies the penalties provided by current law that apply to a person who falsifies or misrepresents statements in a certification; and requires that a penalty of 50 percent of the tax due plus interest be assessed against a person who improperly reports the person's tax class, but requires the penalty to be waived if the misreporting was due to circumstances beyond the person's control. (KH)	Chapter 308, Laws of 1998
EHB 2414	Pennington, Mielke, Alexander	Outdoor Burning Compliance - Allows outdoor burning to continue in the urban growth areas of cities of less than 5,000 population until December 31, 2006. Outdoor burning in all other urban growth areas is prohibited after December 31, 2000. (CR)	Chapter 68, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
ESHB 2514	Chandler, Linville, Mastin	<p>Providing for Integrated Watershed Management - If certain counties, cities, and water supply utilities within a water resource inventory area (WRIA) choose to proceed with watershed planning, they invite all tribes within reservation lands within the WRIA to participate. These initiating governments designate a lead agency and work with state, local, and affected tribal governments to develop a planning process. The planning unit must represent a wide range of water resource interests. The planning unit must plan for water quantity and may plan for water quality, habitat, and instream flows. The Department of Ecology must use a collaborative process for setting instream flows, but if agreement is not obtained within four years of the date when the planning unit first receives funds from the department, the department has two years to establish the instream flows. The priority date for these flows is two years after funding is first received, unless the planning unit unanimously approves a different date. The watershed plan must be submitted to the counties for approval within four years after funding was first received. Three grants are available from the Department of Ecology for this planning: an initial organizing grant of \$50,000 for single WRIsAs or \$75,000 for multi-WRIAs, a watershed assessment grant up to \$200,000 per WRIA, and a watershed plan grant up to \$250,000 per WRIA. (BL)</p> <p>Partial Veto: The Governor vetoed sections which would prohibit the DOE from conducting water-related planning under other statutes that conflicts with watershed plans developed under this act, and which stated that nothing in the act authorized or directed the DOE to establish a moratorium on water rights processing.</p>	Chapter 247, Laws of 1998 (Partial Veto)
SHB 2523	Chandler, Linville, Mulliken	<p>Regarding Fire Training Activities - Requires aircraft crash fire training to obtain written approval from the Department of Ecology or local air pollution control authority prior to the commencement of training. Such approval will be provided if training is conducted in compliance with required conditions. Burning of petroleum in conjunction with aircraft crash fire training is exempt from the requirement for a limited outdoor burning permit. A limited outdoor burning permit is required to burn materials that are normally prohibited from outdoor burning if such burning is done in conjunction with fire fighting or other actions to protect health and safety. (CR)</p>	Chapter 43, Laws of 1998
SHB 2710	Chandler, Honeyford	<p>Changing Irrigation District Administration - Authorizes a landowner-petition process for merging small irrigation districts into larger irrigation districts. Gives boards of joint control the same authority as irrigation districts regarding eminent domain and the acquisition or disposal of property. (BL)</p>	Chapter 84, Laws of 1998
HB 2717	Chandler, Regala, Dunn	<p>Implementing House Joint Resolution No. 4209 - Provides statutory authority for cities, towns, counties, special districts, municipal corporations, and quasi-municipal corporations to implement the recently approved constitutional amendment. These entities may use public moneys or credit derived from the sale of stormwater or sewer services to assist owners to acquire and install materials and equipment that will result in more efficient use of stormwater or sewer services. (BL)</p>	Chapter 31, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SHB 2960	Chandler, Mastin, Linville	Solid Waste Recycling Permits - Directs the Department of Ecology to refine some of its recommendations contained in the 1997 report on the state's solid waste system, including the applicability of a permit-by-rule process for solid waste recycling facilities, and the consistency of permitting for regional and multi-jurisdictional recycling facilities. Allows an operating waste recycling facility to continue operating after a permit denial or suspension until completion of any appeal filed with the Pollution Control Hearings Board, unless the continued operation poses a very probable threat to human health and the environment. (BL)	Chapter 90, Laws of 1998
SHB 3056	Chandler, Linville, Constantine	On-Site Wastewater Certification - Requires the Department of Health (DOH) and the Department of Licensing to develop proposed legislation to license designers of on-site septic systems, and a proposed certification program for inspectors of those systems. The DOH must develop a 1-day training course for local health officials pertaining to waivers and use of appropriate sewage treatment technology. (BL)	Chapter 34, Laws of 1998
2SHB 3058	Chandler, Linville	Changing Statutes for Waste Reduction, Recycling, & Litter Control - Makes the Department of Ecology responsible for administering the distribution of appropriations from the Waste Reduction, Recycling, and Litter Control Account to state agencies and local governments. The Department of Revenue is charged with enforcing litter tax collection. The distribution of the litter tax is changed to fifty percent for use by state agencies, twenty percent for use by local governments, and thirty percent for use by the Department of Ecology for waste reduction and recycling efforts. The Department of Ecology is required to give priority for funding to those projects that achieve the greatest progress toward waste reduction, recycling, and litter control. (CR) Partial Veto: The Governor vetoed a section allowing the use of logos on adopt-a-highway signs.	Chapter 257, Laws of 1998 (Partial Veto)
HB 3060	Chandler	Sufficient Cause for Nonuse of Water Rights - Provides an exemption from relinquishment for non-use of a water right if the use of the right is precluded or reduced by federal or state leases of or options to purchase lands or water rights or if the water right is leased and the lessee makes beneficial use of the right in accordance with an approved transfer or change of the right. (KH)	Chapter 258, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
ESSB 5527	McDonald, Rasmussen, Sellar	<p>Providing Incentives for Water-Efficient Irrigation Systems - Declares the reduction in evaporative loss resulting from the installation of a water-efficient irrigation system to be readily transferrable and requires that its transfer be allowed under the current water transfer approval process; includes within this readily transferable amount evaporative loss from the conveyance and application of surface or ground water and from certain cover crops; prohibits the Department of Ecology (DOE) from delaying approval of the transfer of the reduction in evaporative loss while determining additional net water savings that may also be transferred; requires that the methods used for calculating reductions in evaporative loss be those recommended by the Cooperative Extension Service and establishes the priority date for the transferred portion of the water right; requires contracts for permanent or temporary transfers of portions of water rights to be filed with the DOE; allows the DOE to establish presumptions of the validity of an original right that may be used by a contract purchaser but may not be used as evidence in a general adjudication proceeding; requires that contracts for voluntarily transferring water savings to the DOE use the same methods of calculating the transferrable amounts as are used in transferring such water savings to another party; however, declares that the use of water supplied by an irrigation district that is saved through installation of such a water-efficient irrigation system is regulated solely as provided by the district.</p> <p>Requires the DOE to issue, when it approves any transfer or change of a surface water right, a formal authorization for the transfer or change, which is followed by the issuance of a water right certificate once the terms of the authorization are fulfilled; and establishes rules for determining when the board of directors of an irrigation district may approve, under current laws, changes in the place of use of district-supplied water by an individual water user. (KH)</p>	Vetoed by the Governor

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
ESSB 5703	Anderson, Morton	<p>Concerning a Water Right for the Beneficial Use of Water - Establishes a procedure under which a person who used water before January 1, 1993, without authority is allowed to continue to use the water on an interim basis if the water has been used at least three of the last five years for irrigation or stock watering purposes or for domestic uses by a public water supply system with up to 100 service connections; requires the person to file with the Department of Ecology (DOE) a statement of claim for the use during a filing period beginning September 1, 1998, and ending midnight, June 30, 1999, to file with the statement certain evidence that the water described in the claim was used beneficially as claimed, and to file an application for a water right permit for the use, if the person has not already done so; allows the claimant to continue using the water until the DOE makes a final decision granting or denying the application or, prior to such a decision, a superior court issues a general adjudication decree defining or denying the use; establishes criteria for authorizing the continued use of the water; prohibits the DOE from making final decisions on water right applications associated with such a claim where certain local watershed planning is initiated before July 1, 2000; requires withdrawals to be consistent with certain minimum instream flow requirements pending completion of the plan or general adjudication; allows the DOE to make decisions on applications if a watershed plan is not completed within four years or the planning effort is abandoned before that deadline; requires the DOE to consider alternative sources or augmented sources of water for the water use in the application; requires the DOE's decisions in areas with approved watershed plans to be made in accordance with the plans; sets the priority date for any continued interim use for which a water right permit is issued as being the effective date of the bill; and prohibits these provisions on interim use of water from applying in certain areas and from applying to uses of water for which an application has been denied by the DOE. (KH)</p>	Vetoed by the Governor
SSB 5873	Benton, Winsley	<p>Defining Terms Under the Model Toxics Control Act - Exempts a fiduciary (a person acting for the benefit of another party under specified circumstances, such as a trustee) from liability under the Model Toxics Control Act if the fiduciary fulfills certain requirements imposed on lenders who have foreclosed their security interests; prohibits the exemption if the fiduciary's powers to fulfill the requirements were limited with the purpose of avoiding liability under, or compliance with, the act and provides other exceptions to this waiver of liability that are similar to those established for lenders; states that the exemption does not preclude a claim against an estate or trust administered by the fiduciary; and limits the liability of a fiduciary to the assets held in a fiduciary capacity. (MA)</p>	Chapter 6, Laws of 1998
SB 6122	Morton, Rasmussen	<p>Inspecting Horticultural Products - Updates statutes pertaining to uniform grades and standards for fruits and vegetables to better reflect the Department of Agriculture's existing inspection program and to provide contemporary language. A new chapter is created to organize and consolidate requirements pertaining to the collection, cultivation, and sale of American ginseng. (CR)</p>	Chapter 154, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
ESB 6123	Morton, Rasmussen	Regulating Animal Health - Grants the Director of Agriculture more uniform authority to control diseases in all animals except fish, insects, or non-captive wildlife and permits the director's rules for such control to be more stringent than federal rules; expressly grants the director authority to issue "hold orders" for up to seven days for disease control and other purposes and to establish quarantines for the reproductive products (sperm, ova, and embryos) of animals; makes it unlawful to falsify an official animal health document intentionally; requires veterinarian labs and persons using their own diagnostic services to report immediately reportable diseases among animals, including wildlife; requires permits for importing animals with or exposed to reportable diseases; requires a person with livestock infected with or exposed to scrapie or another transmissible spongiform brain disease to report it immediately; broadens the types of animals held in quarantine that the director may order destroyed for failure to abide by a written agreement with the State Veterinarian and increases the indemnity the director may pay for such an animal to not more than 75 percent of its appraised or salvage value; allows the director to license veterinary laboratories; and prohibits the rules of the director from allowing the importation, possession, or use of animals in violation of game or game fish laws or rules. (KH)	Chapter 8, Laws of 1998
SSB 6129	Swecker, Fraser, Winsley	Pollution Control Tax Credit - Allows the continuation of existing pollution control tax credits after a modification or removal of the facility for which the credit was given, or an alteration or cessation of operations, if the result is adequate compliance with air pollution and water pollution control laws. (BL)	Chapter 9, Laws of 1998
SSB 6130	Swecker, Fraser, Patterson	Regulating Underground Storage Tanks - Reauthorizes the underground storage tank program in the Department of Ecology which was due to expire in July, 1999. The program will now expire on July 1, 2009, unless reauthorized by the Legislature. Licensing requirements are simplified and coordinated with the master business license program. Increases tank fees from \$75 to \$100 per tank to account for inflation. (BL)	Chapter 155, Laws of 1998
SB 6158	Morton, Rasmussen	Washington State Wheat Commission - Repeals legislation enacted in 1961 that would have created the Wheat Commission by statute if its creation by marketing order had not been upheld by the state's Supreme Court. (KH)	Chapter 11, Laws of 1998
SB 6159	Morton, Rasmussen	Repealing the Authority for the Washington Land Bank - Repeals laws authorizing a Washington Land Bank patterned after the federal land bank and regulating the bank's activities. (KH)	Chapter 12, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SSB 6161	Swecker, Newhouse, Rasmussen	<p>Creating a Dairy Nutrient Management Program - Modifies the existing dairy waste management program to require: dairy farms to register with the Department of Ecology, the Department of Ecology to inspect all dairy farms within two years, and all dairy producers to develop a dairy nutrient management plan. Such plans must be approved by local conservation districts by July 1, 2002, and be certified as being fully implemented by December 31, 2003. Four technical assistance teams are established to assist dairy producers in developing dairy nutrient management plans, and to develop alternative dairy nutrient management standards that are appropriate for various geographic conditions around the state. An advisory and oversight committee, comprised of a balance of interests, is created to make recommendations to the program. A database is created to monitor inspections, dairy nutrient management planning, and corrective and enforcement actions. An appeals process is created for dairy producers to contest local conservation district decisions. Penalties are provided for violations of planning requirements. The fee for national pollutant discharge elimination system permits is reduced to fifty cents per animal unit for dairy farms up to the present fee limit. Reports to the Legislature on program implementation and funding needs are required. (CR)</p> <p>Partial Veto: The Governor vetoed a section authorizing the creation of an advisory and oversight committee.</p>	Chapter 26, Laws of 1998 (Partial Veto)
ESSB 6203	Morton, Fraser, Snyder	<p>Authorizing Exemptions from Solid Waste Designations - Allows the Department of Ecology (DOE) to exempt a solid waste from solid waste permitting requirements if the waste is to be beneficially used and does not present threats to human health or the environment; allows the DOE by rule to exempt from waste facility permitting requirements a category of solid waste handling facility if it presents little or no environmental risk and meets the environmental protection and performance requirements required for similar facilities, but prohibits such exemptions for certain facilities such as those that receive municipal solid waste destined for final disposal or receive or process waste materials into compost in large volumes; requires the DOE to adopt rules describing when a local health department may, at its discretion, waive the requirement that a solid waste permit be issued for a facility by deferring to other environmental permits, but allows this deference to be granted only if other environmental permits for the facility will provide a comparable level of protection for human health and the environment; allows the DOE to assess a civil penalty up to \$1000/day/violation to any person exempt from solid waste permitting under these authorities who fails to comply with the terms of the exemption; and confirms as valid certain actions previously taken by the DOE and local health departments in providing these exemptions or waivers of permit requirements. (KH)</p>	Chapter 156, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
ESSB 6204	Morton	<p>Increasing the Efficiency of Registering and Identifying Livestock - Board. Creates a Livestock Identification Board made up of six voting members appointed by the Governor (a beef producer, cattle feeder, dairy producer, meat packer, market owner, and horse producer) and one nonvoting member, the Director of Agriculture; transfers from the state's Department of Agriculture (WSDA) to the board responsibility for administering the livestock identification program, the certified feed lot licensing program, and the licensing and regulation of public livestock markets; requires the board to contract with the WSDA for certain work until June 30, 2004, and allows the board to contract with it after that date; authorizes the board to hire staff and exempts its officers and employees from the state civil service law. <u>Fees.</u> Retains at current levels the fees funding the livestock identification program that are currently scheduled to be reduced on July 1, 1998; increases the brand recording and renewal fee to \$70 per two-year period (from \$25 for the period) and sets the late fee for such a renewal at \$20; declares the sections of the bill providing for fee increases and repealing the scheduled decrease in fees to be null and void unless the board is created and authorities are transferred to the board; allows the board to establish a permanent renewal fee for heritage brands not intended for use on livestock; allows the board to enter into agreements with veterinarians for conducting livestock inspections if they have been certified by the board for this purpose; and grants the WSDA these authorities regarding heritage brands and agreements with veterinarians if the board is not created. <u>Inspections.</u> Exempts from mandatory inspection an individual private sale of un-branded dairy breed milk production cattle involving 15 head or less and sales by dairies of male calves not more than 30 days old; allows self inspection for horses; and clarifies the types of ownership and related certificates needed for livestock identification. <u>Livestock Markets.</u> Modifies the information required on an application for a public livestock market license; exempts from public disclosure certain financial information submitted in an application; and alters the disease control responsibilities of the WSDA and the licensees at such a market. (KH)</p> <p>Partial Veto: The governor vetoed all of the provisions of the bill except sections 5 and 6 which authorize heritage brands and inspections conducted by veterinarians.</p>	Chapter 263, Laws of 1998 (Partial Veto)
SSB 6474	Jacobsen, Rasmussen, Kline	<p>Adopting the Fertilizer Regulation Act - Adopts the Canadian standards for nonnutritive substances in commercial fertilizers. Authorizes the Department of Agriculture to amend these standards by rule if scientific studies show that they are not sufficient to protect human health or the environment. Requires a comprehensive study on the plant uptake of metals, and a study on whether dioxins occur in fertilizers, soil amendments, and soils, and at what levels. Requires packages of commercial fertilizers to be labeled indicating that the product meets the standards for a number of nonnutritive elements. Requires waste-derived fertilizers and micronutrient fertilizers to be registered with the Department of Agriculture. Requires information regarding fertilizer components to be available from the Department of Agriculture on the Internet after July 1, 1999, and this must be stated on the product labels. (BL)</p>	Chapter 36, Laws of 1998

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SSB 6605	Morton, Rasmussen	Artificial Insemination Liens - Extends the length of time during which the owner of a sire has a lien against the animal bred by the sire to 18 months (from 12 months); grants a similar lien on the animal bred and the resulting offspring for the artificial insemination of a female animal; does not require the lien holder to first obtain from the county auditor a certificate regarding the services offered, as is required for sire services, but requires a statement of account regarding services delivered to be filed with the county auditor. Attaches the lien upon the delivery of the semen by artificial insemination and declares the lien on either the female animal bred or the resulting offspring to be a preferred lien. (KH)	Chapter 99, Laws of 1998
SB 6728	Newhouse, Loveland, Morton	Providing Tax Exemptions for Activities Conducted for Hop Commodity Commissions or Boards - Exempts from the business and occupation tax activities conducted by a nonprofit organization for a hop commodity board or commission if: the activity is approved by an official referendum conducted by the board or commission; the organization is specified in referendum information as one that will conduct the activity; and the organization is one that qualifies for an exemption from federal income taxation provided for labor, agricultural, and horticultural organizations. (KH)	Chapter 200, Laws of 1998

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BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SHB 1112	Chandler, Mastin, Koster	Water Rights Adjudication Referee - Prohibits a person appointed by a superior court as a referee in a general adjudication proceeding for water rights from being an employee of the Department of Ecology or any other party to the proceeding and prohibits the person from having been such an employee within 3 years prior to the beginning of the proceeding. However, does not apply these restrictions to a current referee in a proceeding that is currently ongoing. Provides that expenses incurred by the court for the use of the referee be paid from appropriations made expressly for this purpose to the Office of the Administrator for the Courts. Allows such a general adjudication proceeding to be initiated only if the administrator for the courts determines there are sufficient funds available to support a referee for the adjudication from the monies appropriated for this purpose. (KH)	H Rules 3 (The bill reached S Ways & Means before the end of the 1998 Regular Session.)
2SHB 1113	Chandler, Mastin, McMorris	Surplus Water Use - <u>Water Made Surplus</u> . Declares that the use of irrigation district-supplied water made surplus through the implementation of efficiency measures is regulated solely by the irrigation district, for the benefit of the district generally. Allows a person who holds a right to water other than such district-supplied water to use water made surplus to the right through efficiency measures or through crop changes if the use is on other parcels of land owned by the person that are contiguous to the lands upon which use of the water was authorized before this change. Declares that a notification made to the Department of Ecology (DOE) regarding such a change previously made provides a change in the person's or district's right and may provide a change in a federal reclamation project's right within the limits set by the United States for the project. Provides that the priority date for the use of the surplus water is the same as the priority date of the original water right unless the use begins after the effective date of the bill, in which latter case the priority date is the date the notification was provided and notification provides a 15 year temporary permit for the use of the water; allows DOE to file an action in superior court for deciding interference caused by such a new use; requires the court to review the department's determination of interference de novo and places the burden of proving impairment on DOE; converts the permit to a right if a court action regarding impairment is not filed in 15 years or if in such an action the court affirms non-interference or modifies the conditions of water use under the permit. Limits these rules to changes in the use of agricultural water to other or expanded agricultural uses. <u>Transfers</u> . Prohibits DOE from initiating relinquishment proceedings regarding a water right for which an application for a transfer or change is filed for two years after making a decision on the application. Declares that the rights expressly protected from being detrimentally affected by a transfer or change do not include those represented by applications for new water rights. States that certain statutory requirements for applications for new water rights do not apply to transfers or changes. Establishes conditions for the approval of water transfers by irrigation districts. (KH)	H Rules 3 (The bill reached S Agr/Envir before the end of the 1998 Regular Session.)

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
ESHB 1115	Mastin, Chandler, McMorris	DOE Water-Related Actions - Requires relinquishment actions to be filed in the superior court in which the land, upon which the water is used, is located instead of the Pollution Control Hearings Board (PCHB). Establishes an informal hearing process for water quantity decisions before the PCHB. An informal hearing must be held if requested, and consists of mediation and may include fact-finding. A member of the PCHB or an administrative law judge from the Environmental Hearings Office conducts the informal hearing. The fact-finder's findings and recommendations are not binding. After an informal hearing, the dispute may be appealed either before the PCHB as a formal hearing or directly to superior court. If appealed directly to superior court, no issue can be raised that was not addressed as part of the fact-finding. (BL)	H Rules 3 (The bill reached S Agr/Envir before the end of the 1998 Regular Session.)
SHB 2298	Chandler, Linville, L. Thomas	Regulating underground storage tanks - Reauthorizes the underground storage tank program operated by the Department of Ecology. The program was set to expire in July 1999. (BL)	H Rules C (The bill is similar to SSB 6130 which was enacted as C 155 L 98.)
SHB 2299	Chandler, Linville, Carlson	Allowing continued use of pollution control tax credits after facilities are modified to maintain effective pollution control - Allows the continuation of existing pollution control tax credits after a modification or removal of a facility for which the credits were given, if the result is adequate compliance with air pollution and water pollution control laws. Also allows the continuation of the existing credits after an alteration or cessation of existing operations if it results in adequate compliance with air and water pollution control laws. (BL)	H Rules 3 (The bill reached S Agr/Envir and is similar to SSB 6129 which was enacted as C 9 L 98.)
ESHB 2303	Chandler, Regala, Huff	Regulating public water systems - Requires the delivery of water between public water systems made through a post-1990 intertie to be within the withdrawal rates specified in the supplying system's water right and expressly allows the receiving system's use to exceed its water right if its withdrawal does not exceed the withdrawal rates specified in its own water right. Prohibits the use of interties for the development of new sources of supply to meet future demand only if a new water right is required and exempts changes of points of use from being considered to be such developments of new sources of supply; requires the Department of Health to determine whether long-term supply is addressed in an intertie agreement when it reviews a proposal for new intertie; prohibits an intertie from being used to deliver water on a temporary basis except under specified circumstances; and requires the Department of Ecology to consider the existence, nature, economics, and terms of an intertie agreement when making a decision on an application for new water rights submitted by a public water system that is a party to such an agreement. (KH)	H Rules 3 (The bill reached S 2 nd Reading before the end of the 1998 Regular Session.)
SHB 2479	Schoesler, Sump, Sheahan	Reducing the tax on health products for animals - Exempts from retail sales and use taxation certain sales of substances used to optimize animal production, vaccinations, antibiotics, parasite treatment compounds, federally approved animal pharmaceuticals, and other health products for animals. (KH)	H Finance

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
HB 2515	Chandler, Linville, Sterk	Deregulating apiaries - Repeals the apiary program administered by the Department of Agriculture under the apiary statutes, including the program's requirements for registration, registration fees, and pollination service fees. (KH)	H Rules 3 (The bill reached S Rules 2 before the end of the 1998 Regular Session.)
HB 2516	Chandler, Linville, Schoesler	Providing a lien for artificial insemination or materials - Gives a provider of artificial insemination services or materials for animals the same lien as the lien provided currently for the owner of a sire, except that the provider need not secure a certificate from the county auditor regarding the service; however, requires a statement identifying the service or materials provided and the amount due to be filed with the county auditor. (KH)	House Rules 3 (The bill reached S Agr/Envir and is similar to SSB 6605 which was enacted as C 99 L 98.)
HB 2581	Koster	Exempting from taxation sales and use of feed for livestock and poultry - Removes the state's retail sales and use taxes from sales of feed for certain livestock and poultry, whether they are or not raised by a farmer for subsequent sale. (KH)	H Finance (Exemptions from B&O taxation regarding horses were also provided by SHB 1447 and SHB 5309 which were vetoed by the Governor.)
2SHB 2618	Chandler, Linville, O'Brien	Adopting the fertilizer regulation act - Adopts the Canadian standards for nonnutritive substances in commercial fertilizers. Requires labeling of commercial fertilizers, and the labels must indicate that the product meets standards for several nonnutritive substances. Requires a study on the plant uptake of metals and a study on the levels of dioxins in soils, soil amendments, and commercial fertilizers. (BL)	House Rules 3 (The bill reached S Agr/Envir and is similar to SSB 6474 which was enacted as C 36 L 98.)
SHB 2712	Chandler, Sump	Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted use due to federal or state law - Requires the deadlines set in a water use permit to be extended if federal or state laws prevent or restrict water use otherwise authorized under a water use permit issued for a federal reclamation project and requires the extension to be for a period that is not less than the period of nonuse or restricted use caused by the federal or state laws. (KH)	H Rules 3 (The bill reached S Rules 2 before the end of the 1998 Regular Session.)
SHB 2800	Cairnes, Cook, Chandler	Prescribing procedures for temporary water rights for small cities - Requires the Department of Ecology to approve an application to withdraw groundwater on a temporary basis submitted by a city with a population of 5000 or less, if the city: has a sole source of water supply which is at risk of failure, has an approved comprehensive plan under the Growth Management Act, is unable to serve the future population forecasted in the plan, has no currently available reasonable alternative source of water supply to meet the demand, and has identified a permanent alternative source of supply which is expected to be available within 10 years of the date the city adopted the plan. The temporary permit cannot be issued for a time period beyond 10 years, but it may be extended for additional 5-year periods under certain circumstances. The temporary water permit cannot be perfected as a water right. (BL)	H Rules 3 (The bill reached S Agr/Envir before the end of the 1998 Regular Session.)

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
HB 2802	Chandler, Sump, Cairnes	Limiting the need for a hydraulic construction permit to those projects done below the ordinary high water mark - Limits the need to obtain an hydraulics permit to work located below the ordinary high water mark of state waters. Eliminates the need for an hydraulics permit for work done below the ordinary high water mark which requires either a national pollution discharge elimination system (NPDES) permit or a wastewater discharge permit from the Department of Ecology. (BL)	H Rules R
SHB 2877	Clements, Honeyford, Chandler	Ordering an analysis of Pine Hollow as a site of a dam and reservoir - Appropriates \$300,000 from the general fund to the Department of Ecology for a pre-construction analysis of Pine Hollow regarding its suitability as a site for the construction of a retainment dam and water storage reservoir and regarding the site's potential to enhance anadromous fish, other aquatic life, and agriculture. (KH)	H Approp (The bill was incorporated into the state operating budget as Section 303(3) of ESSB 6108.)
ESHB 2887	Chandler, Honeyford, Schoesler	Identifying livestock - Board. Creates a Livestock Identification Board composed of the Director of Agriculture and five voting members appointed by the Governor representing various livestock industry groups; transfers to the board responsibility for the administration of the livestock identification program, the certified feed lot licensing program, and the licensing and regulation of public livestock markets; keeps certain sanitation and disease control authority regarding livestock markets within the Department of Agriculture (WSDA); requires the board to contract with the WSDA for registration and recording services and for investigation or inspection work; and allows the board to hire staff and exempts its officers and employees from the state Civil Service Law. Program. Exempts from inspection requirements a private sale of un-branded dairy breed milk production cattle involving 15 head or less; expressly allows self inspection for horses; allows the board to certify veterinarians for conducting certain identification inspections of livestock; requires the inspection of cattle at a feed lot at the time of its original licensing; expressly allows peace officers to stop vehicles moving cattle or horses regarding livestock identification; and clarifies the types of ownership and related certificates needed for livestock identification. Alters application requirements for livestock markets licenses; exempts from public disclosure certain financial information submitted for such licenses; and alters the disease control responsibility of livestock markets. Fees. Of the fees used for the livestock identification program and currently scheduled to be reduced on July 1, 1998, reduces as scheduled only the fee on cattle handled through a certified feed lot; increases the fee for recording a brand and the fee for renewing the brand registration to \$70 per two year period (from \$25 for the period) and sets the late filing fee for such a renewal at \$20. (KH)	House Rules 3 (The bill reached S Agr/Envir and is similar to SSB 6474 which was enacted as C 36 L 98.)
E2SHB 2915	Koster, Chandler, Honeyford	Regulating Dairy Nutrients Management - Modifies the dairy waste management program by: requiring dairy farms to register with the Department of Ecology, requiring dairy farm inspections and dairy nutrient management plans, creating an advisory and oversight committee and technical assistance teams, providing better response times to complaints, creating an account, and changing the fee structure for dairy producers who hold NPDES permits. (CR)	House Rules 3 (The bill reached S Agr/Envir and is similar to SSB 6161 which was enacted as C 26 L 98, Partial Veto.)

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
SHB 2924	Chandler, Robertson	Granting water rights to certain persons who were water users before January 1, 1993 - Grants a water right to a person who placed surface or groundwater to beneficial use for irrigation or stock watering purposes before January 1, 1993, for which a permit or certificate was not issued if the person (1) files a statement of claim for the right with Department of Ecology between September 1, 1998, and June 30, 1999, (2) files with the statement of claim certain specified evidence of the water use, and (3) has used the water to the full extent of the claim during at least three of the last five years. Establishes the priority date of the water right as the date the claim is filed and allows the claim to be admissible in a general adjudication of water rights as prima facie evidence of certain aspects of the right. Does not allow such claims in an area where similar rights are being adjudicated in a general adjudication proceeding or where acreage expansion limitations have been provided by rule as part of a groundwater management plan. (KH)	House Rules 3 (The bill reached S Agr/Envir and is similar to ESSB 5703 which was vetoed by the Governor.)
E2SHB 2925	Chandler, Cairnes, Radcliff	Changing water provisions - Allows an intertie which was in use before January 1, 1991, to be used to its full design or built capacity without further approval by the Department of Ecology, without regard to the capacity used before January 1, 1991. Authorizes interties to be used to develop new sources of supply to meet future demands if the receiving water system efficiently uses existing sources of water and the use is consistent with existing land use plans. Specifies that the instantaneous and annual withdrawal rates stated in a water right certificate held by a public water system providing water for municipal supply, a federal reclamation project, or an irrigation district are perfected if the purveyor can demonstrate that the rates will be necessary to meet the needs of its users during the most recent projection for a 50-year period. Requires replacement water to be available if water is delivered through an intertie on a temporary basis. Expands the definition of what constitutes sufficient cause for relinquishment not to occur for nonuse of a water right, to include a lapse of time while a request is processed for transferring or changing a water right, as well as the implementation of more efficient practices than previously used under the water right. (BL)	H Rules 3 (The bill reached S Rules 2 before the end of the 1998 Regular Session.)
E2SHB 3049	Linville, Chandler, Fisher	Providing for watershed planning and project mitigation - Directs the Departments of Transportation, Fish & Wildlife, and Ecology to co-chair work group to provide guidance to watershed groups in evaluating how mitigation efforts can be used to support watershed protection, restoration, and enhancement activities. (BL)	H Rules 3 (The bill reached S Ways & Means. It is similar to Section 16 of ESHB 2496, the salmon recovery bill, which was enacted as C 246 L 98.)

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
HB 3061	Chandler	Identifying when a new water right would interfere with an existing water right - Allows a groundwater permit to be denied or conditioned on the grounds that it would impair or conflict with an existing surface water right only if (1) after no more than six months of pumping groundwater from an unconfined aquifer, the surface water will lie within the cone of depression of a well tapping the groundwater, (2) the withdrawal of groundwater from a confined aquifer will cause a head reduction measurable in the field within 50 feet of the surface water body in question in the shallowest unconfined aquifer that underlies that surface water body; or (3) the withdrawal of the groundwater will cause a reduction measurable in the field in the flow or level of the surface water body. Allows the Department of Ecology (DOE) to grant a groundwater permit if a surface water right would be impaired but the applicant proposes a satisfactory plan for mitigating the impairment; and allows DOE to limit future withdrawals by adopting rules adjusting water use management under an existing groundwater area or subarea management plan. (KH)	H Rules R
HB 3068	McMorris, Chandler	Regarding a pilot project for limited private applicator licenses and rancher private applicator licenses - Expands a pilot program authorized in 1997 for providing licenses for the application of restricted use herbicides to control weeds in Ferry and Okanogan counties by adding Stevens and Pend Oreille counties to it, extending the program through the year 2003, and adding a new licensing category, that of a rancher private applicator; allows the program to be used in a county only if its cooperative extension service and/or its weed board complete a memorandum of understanding with the Department of Agriculture regarding re-certification coursework and the maintenance of re-certification credit records; establishes fees for licenses secured under the program; identifies the number of approved credits required for licenses; and no longer prohibits a limited private applicator from using a powered apparatus to apply herbicides under the pilot project. (KH)	H Rules 3 (The bill reached S Rules 2G before the end of the 1998 Regular Session.)
HB 3106	Chandler	Clarifying when a group of wells drilled by the same person or group should be considered a single ground water withdrawal - Affirms a 1997 opinion of the Attorney General regarding the authority granted by current law to establish new uses of groundwater without a water use permit and regarding other aspects of such "exempt wells;" and amends the Groundwater Code by declaring that a group of wells drilled by the same person or group at or about the same time in the same area for the same purpose or project constitutes a single withdrawal and is not exempt from the permitting requirement if the total amount withdrawn for use exceeds 5000 gallons per day. (KH)	Failed on H 3 rd Reading
SHJM 4025	Chandler, Lisk, Mulligan	Protecting and managing the Hanford Reach - Requests the President and U.S. Congress to create a Hanford Reach Protection and Management Commission comprised as specified in H.R. 1811, legislation introduced in the U.S. House of Representatives. (KH)	H Rules R
HCR 4434	Chandler, Linville	Creating a joint select committee on water quality - Requires a Joint Select Committee on Water Quality to be appointed, composed of three members of the House of Representatives and three members of the Senate; directs the committee to examine the Department of Ecology's program for implementing a recent water quality court settlement; and requires the committee to report its recommendations to the Legislature in 1999. (KH)	H Rules R

BILL NO.	PRIME SPONSORS	SUMMARY	SINE DIE STATUS
ESB 6349	A. Anderson, Patterson, Swecker	Changing membership of the committee that establishes boundaries of critical water supply service areas - Requires the committee which establishes the proposed external boundaries of a critical water supply service area to include a representative from each purveyor serving more than 10 customers (rather than 50 customers, as currently). (BL)	S Rules 3 (The bill reached H Rules R before the end of the 1998 Regular Session.)

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BILL NO.	PRIME SPONSORS	BRIEF TITLE	SINE DIE STATUS
ESHB 1443	Mastin, Grant, P. Johnson	Permitting expedited flood damage repairs during flooding emergencies.	H Ag & Ecology (See C 385 L 97)
HB 2304	Chandler, Huff, Kastama	Regulating public water systems.	H Ag & Ecology (Hearing held 1/22/98)
HB 2336	Chandler, Lisk, Schoesler	Managing the portion of the Columbia river known as the Hanford Reach.	H Ag & Ecology
HB 2337	Romero, Wolfe, Gardner	Protecting groundwater aquifers near department of transportation rights of way.	H Ag & Ecology (Hearing held 1/19/98)
HB 2384	Pennington, Regala, Koster	Altering air quality standards with regard to solid fuel burning devices.	H Ag & Ecology (See Sec 8, C 342 L 98)
HB 2392	Chandler, Linville	Inspecting horticultural products.	H Ag & Ecology (Hearing held 1/29/98. See C 154 L 98.)
HB 2393	Chandler, Linville	Regulating animal health.	H Ag & Ecology (See C 8 L 98)
HB 2396	Romero, Wolfe, Lantz	Qualifying the ground water withdrawal permit exemption.	H Ag & Ecology
HB 2408	Pennington, Carlson	Raising the maximum annual fee for hazardous waste facilities.	H Ag & Ecology (Hearing held 2/4/98)
HB 2528	L. Thomas, D. Sommers, Mielke	Exempting late-model cars from emissions inspections.	H Ag & Ecology (See Sec 6, C 342 L 98)
HB 2530	Mastin	Increasing membership on the conservation commission.	H Ag & Ecology
HB 2579	Koster	Concerning the delivery of water to critical water supply service areas.	H Ag & Ecology

BILL NO.	PRIME SPONSORS	BRIEF TITLE	SINE DIE STATUS
HB 2617	Chandler, Linville, Costa	Prescribing the taxation of hazardous waste remedial actions.	H Ag & Ecology (Hearing held 2/4/98. See C 308 L 98.)
HB 2745	Koster, Mielke, Robertson	Exempting older vehicles from emission standards.	H Ag & Ecology (See Sec 6, C 342 L 98)
HB 2755	Keiser, McCune, Dickerson	Creating the environmental restoration and improvement account.	H Ag & Ecology
HB 2768	Keiser, McCune, Constantine	Creating the environmental restoration and improvement account.	H Ag & Ecology (Hearing held 2/4/98)
HB 2775	Linville, Chandler	Granting water rights to certain persons who were water users before January 1, 1993.	H Ag & Ecology (Hearing held 2/5/98. See ESSB 5703, bills passed by the Legislature.)
HB 2804	Chandler, Zellinsky	Operating veterinary medical facilities.	H Ag & Ecology
HB 2855	Talcott, Carrell, Chandler	Changing lake management provisions.	H Ag & Ecology (Hearing held 2/4/98)
HB 2856	Carrell, Chandler, Talcott	Creating an aquatic plant management permit program.	H Ag & Ecology
HB 3023	McCune, Keiser	Creating a committee to develop an airport glycol use plan.	H Ag & Ecology (Hearing held 2/4/98)
HB 3063	Constantine, Regala, Cooper	Creating the joint select committee on climate change.	H Ag & Ecology
HB 3085	Linville, Ogden, Gardner	Establishing land use management planning that promotes flood safety.	H Ag & Ecology (Hearing held 2/5/98)
HJM 4038	Parlette, Chandler, Linville	Petitioning for assistance to help remove the 101.1% import duty placed on apples by Mexico.	H Ag & Ecology
HCR 4428	Regala, Talcott, Chandler	Regarding joint select committee on lakes.	H Ag & Ecology

BILL NO.	PRIME SPONSORS	BRIEF TITLE	SINE DIE STATUS
SSB 5468	Rasmussen, Morton, Fraser	Promoting beekeeping operations.	H Ag & Ecology
SB 6160	Morton, Rasmussen	Repealing the authority for reclamation districts over one million acres.	H Ag & Ecology